

REMARKS

Claims 11, 12, 14, 17 and 19 are canceled without prejudice, and therefore claims 15 and 16 are now pending.

Applicants respectfully request reconsideration of the present application in view of this response.

Applicants thank the Examiner for allowing claims 15 and 16.

Claims 11, 12, 14, 17 and 19 were rejected under 35 U.S.C. § 103(a) as obvious over Polzin, U.S. Pat. No. 6,681,168, in view of Schmidt, U.S. Patent No. 6,554,744.

Claims 11, 12, 14, 17 and 19 were rejected under 35 U.S.C. § 103(a) as obvious over Kolbe et al., U.S. Pat. No. 5,322,356, in view of Schmidt, U.S. Patent No. 6,554,744.

To reject a claim under 35 U.S.C. § 103(a), the Office bears the initial burden of presenting a *prima facie* case of obviousness. *In re Rijckaert*, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). To establish *prima facie* obviousness, three criteria must be satisfied. First, there must be some suggestion or motivation to modify or combine reference teachings. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988). This teaching or suggestion to make the claimed combination must be found in the prior art and not based on the application disclosure. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991).

Also, as clearly indicated by the Supreme Court in *KSR*, it is “important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the [prior art] elements” in the manner claimed. *See KSR Int’l Co. v. Teleflex, Inc.*, 127 S. Ct. 1727 (2007). In this regard, the Supreme Court further noted that “rejections on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” *Id.*, at 1396. Second, there must be a reasonable expectation of success. *In re Merck & Co., Inc.*, 800 F.2d 1091, 231 U.S.P.Q. 375 (Fed. Cir. 1986). Third, the prior art reference(s) must teach or suggest all of the claim features. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974).

While the rejections may not be agreed with, to facilitate matters, 11, 12, 14, 17 and 19 are canceled without prejudice. It is therefore respectfully requested that the obviousness rejections as applied be withdrawn.

Accordingly, claims 15 and 16 are allowed.

Conclusion

It is therefore respectfully submitted that remaining claims 15 and 16 are allowed. It is therefore respectfully requested that the objections and rejections be withdrawn, since all issues raised have been addressed and obviated. An early and favorable action on the merits is therefore respectfully requested.

Respectfully submitted,

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